

Members

Sen. Beverly Gard, Chairperson
Sen. Frank Mrvan
Sen. Edward Charbonneau
Sen. Sue Errington
Rep. Ryan Dvorak
Rep. David Wolkins
Rep. Matt Pierce
Rep. Timothy Neese
Doug Meyer
Stephen L. Murray
Dave Wyeth
Dwayne Burke
Stacy Herr
John Hardwick
Art Umble
Calvin Davidson
Jon H. Moll
Thomas Easterly



ENVIRONMENTAL QUALITY SERVICE COUNCIL

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Robert Bond, Attorney for the Council
Bernadette Bartlett, Fiscal Analyst for the Council

Authority: IC 13-13-7

MEETING MINUTES¹

Meeting Date: September 22, 2009
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 130
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Beverly Gard, Chairperson; Sen. Frank Mrvan; Sen. Edward Charbonneau; Rep. David Wolkins; Dwayne Burke; John Hardwick; Calvin Davidson; Jon H. Moll.

Members Absent: Sen. Sue Errington; Rep. Ryan Dvorak; Rep. Matt Pierce; Rep. Timothy Neese; Doug Meyer; Stephen L. Murray; Dave Wyeth; Stacy Herr; Art Umble; Thomas Easterly.

1. Call to Order Sen. Gard called the meeting to order at 10:05 AM.

2. Regional Sewer District (RSD) Presentations

Pat Robertson, interested citizen, made a presentation concerning the roles and responsibilities of RSD's (Exhibit #1). In response to a question from Mr. Hardwick, Ms. Robertson indicated that the issues she raises apply not only to the Twin Lakes RSD, but to many other RSD's throughout the state.

Bill Brown, interested citizen and Carroll County Commissioner, described his experience with two RSD's. The RSD in Rockport was established and operates with few problems. By contrast, the Twin Lakes RSD was established without adequate study, with no public meetings, and with no Carroll County representation on the board. The public is generally dissatisfied with the RSD, and hundreds of sewer liens have been created. The board members are appointed, and

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Mr. Brown believes that many of the problems would be avoided if the board members were elected. In response to questions from Council members, Mr. Brown:

- Indicated that he is not aware of the effect of recent legislation on RSD's
- Described the Carroll County watershed
- Indicated that the recent appointment of one Carroll County resident on the Twin Lakes RSD board has not had a significant effect
- Stated his opinion that RSD's can play a beneficial role, as evidenced by his experience with the RSD in Rockport

Lisa Ellens and Claire Brockman, Valparaiso University students, described their study of issues relating to the transition from septic systems to sewers, including plans for sewer extensions and improvements in Indianapolis and Lake Havasu City, Arizona. They suggested the use of monetary incentives for property owners to connect to sewer systems and the use of federal stimulus money for that purpose.

Jamie Palmer, Chair of the Rural Wastewater Task Force, described her study of issues related to RSD's and distributed the Report of the Rural Wastewater Task Force to the Indiana Land Resource Council (Exhibit #2). Problems with septic systems are prevalent, and the use of sewers is not always cost effective. Improvements are required in public education, planning, record keeping, training, disposal of septic waste, and septic system site evaluation, design, construction, financing, certification, and maintenance. In response to a question from Sen. Gard, Ms. Palmer indicated that money is typically the main problem with the extension of sewers because sewer construction is expensive and the cost for isolated areas is sometimes prohibitive.

Bruno Pigott, Assistant Commissioner, Office of Water Quality, Indiana Department of Environmental Management (IDEM), made a presentation entitled Regional Sewer Districts and IDEM (Exhibit #3). In response to questions from Council members, Mr. Pigott:

- Indicated that the board members of approximately 95% of RSD's are appointed
- Indicated that a RSD is not required to demonstrate water quality issues before expansion of the district
- Stated that although he does not have specific data, he believes that the establishment of an RSD typically results in improved water quality
- Observed that RSD problems are often associated with districts in which the board members are appointed
- Indicated that a RSD in a county often continues to operate independently after a county wide RSD is established
- Described IDEM's storm water regulation responsibilities
- Stated IDEM's preference for local control in the establishment of RSD's
- Stressed the importance of cooperation between and among adjoining RSD's
- Observed that the jurisdictional line between IDEM and the Indiana State Department of Health (ISDOH) is not always clear concerning remediation of contamination from septic fields

Mike Mettler, Director, Environmental Public Health Division, ISDOH, made a presentation about ISDOH responsibilities with respect to wastewater. Of the 800,000 residential septic systems in Indiana, approximately 25-30% are failing. Older systems account for most of the problems. Approximately 700 small communities in Indiana could benefit from the types of services provided by a RSD. ISDOH is involved in technical assistance and training for local health departments, improving technology for data collection, certification of septic system installers, and drafting a model ordinance for septic system operation and maintenance. Mr. Mettler also discussed the establishment of two county onsite waste management districts.

Gary Chapple, Director of Pollution Control, Fort Wayne-Allen County Department of Health, discussed the experience of the onsite waste management district in Allen County and distributed a handout on costs related to onsite systems (Exhibit # 4). In response to questions from Council members, Mr. Mettler:

- Described the imposition of fees in county onsite waste management districts and explained which septic systems are under the jurisdiction of the districts
- Described the typical installation cost of a septic system and the typical system maintenance requirements

Ken Smith, Assistant Director, Division of Water, Indiana Department of Natural Resources, made a presentation concerning conservancy districts and RSD's (Exhibit #5). In response to a question from Sen. Charbonneau, Mr. Smith indicated that the territory of conservancy districts overlaps only if the districts serve different purposes.

Curt Gassert and Jennifer Richardson of the Indiana Utility Regulatory Commission (IURC) made a presentation entitled IURC Regulation of Water and Wastewater Utilities (Exhibit #6).

Ted Stubbs, President of the Association of Regional Sewer Districts, made a presentation entitled Presentation from the Indiana Regional Sewer District Association to the EQSC (Exhibit #7). In response to questions from Council members, Mr. Stubbs:

- Indicated that ineffective communication is the most prevalent issue among RSD's that experience significant problems
- Indicated that his association tries to represent all RSD's including those that do not pay the annual association fee

Alan Hux, Counsel for the Association of Conservancy Districts, described the role of conservancy districts in providing sewer service. A district has essentially the same authority as a municipality concerning financing, the establishment of fees, and the collection of fees (including the creation of sewer liens). In response to a question from Sen. Gard, Mr. Hux indicated that septic system inspection is not required in a residential real estate transaction, but that a problem with the system is subject to disclosure on the residential real estate sales disclosure form.

Karen Arland, Bond Counsel, Ice Miller, discussed the financing of sewer systems. Mandatory connection to a sewer system is essential. The unit of local government can obtain financing in the bond market only if there is a reliable stream of income to repay the debt. In response to a question from Rep. Wolkins, Ms. Arland discussed the limited circumstances under which property owners with properly functioning septic systems can delay or avoid connection to a sewer system.

Comments from Thomas Childers (Exhibit #8) concerning the Tri Lakes Regional Sewer District were distributed.

3. Adjournment Sen. Gard adjourned the meeting at 12:45 PM.